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Administration of Justice Act

R.S.O. 1990, Chapter A.6

**Consolidation Period:** From September 1, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2021, c. 4, Sched. 3, s. 18](http://www.ontario.ca/laws/statute/S21004" \l "sched3s18).

Legislative History: [2000, c. 26, Sched. A, s. 1](http://www.ontario.ca/laws/statute/S00026" \l "schedas1); [2004, c. 31, Sched. 1](http://www.ontario.ca/laws/statute/S04031" \l "sched1s1); [2009, c. 33, Sched. 2, s. 2](http://www.ontario.ca/laws/statute/S09033" \l "sched2s2s1); [2010, c. 1, Sched. 6, s. 8](http://www.ontario.ca/laws/statute/S10001" \l "sched6s8); [2020, c. 11, Sched. 1](http://www.ontario.ca/laws/statute/S20011" \l "sched1s1); [2021, c. 4, Sched. 3, s. 18](http://www.ontario.ca/laws/statute/S21004" \l "sched3s18).

Definitions

**1** In this Act,

“administration of justice” means the provision, maintenance and operation of,

(a) the courts of justice of the Province of Ontario,

(b) land registry offices,

(c) jails, and

(d) the offices of coroners and Crown Attorneys,

for the performance of their functions, including any functions delegated to such courts, institutions or offices or any official thereof by or under any Act; (“administration de la justice”)

“fee” means a fee whose payment is required by a regulation made under this Act; (“frais”)

“Ministry” means the Ministry of the Attorney General. (“ministère”) R.S.O. 1990, c. A.6, s. 1; 2004, c. 31, Sched. 1, s. 1.

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 1](http://www.ontario.ca/laws/statute/S04031" \l "sched1s1) - 28/01/2005

Portion remitted to Ontario

**2** Despite any other Act, but subject to Part X of the *Provincial Offences Act*, every municipality shall pay to the Treasurer of Ontario all fines that are required by any Act to be paid over to the municipality, other than fines imposed for contravention of the by-laws of the municipality or a local board thereof. R.S.O. 1990, c. A.6, s. 2; 2000, c. 26, Sched. A, s. 1.

**Section Amendments with date in force (d/m/y)**

[2000, c. 26, Sched. A, s. 1](http://www.ontario.ca/laws/statute/S00026" \l "schedas1) - 06/12/2000

Retaining special services

**3** (1)  Where, in the opinion of the Crown Attorney, special services are necessary for the detection of crime or the capture of a person who is believed to have committed a crime of a serious character, the Crown Attorney may authorize and direct any person to perform such service, and shall certify upon the account to be rendered by the person what the Crown Attorney considers to be a reasonable allowance to be paid to the person employed. R.S.O. 1990, c. A.6, s. 3 (1).

Employment and payment of interpreter

(2)  The Crown Attorney may employ an interpreter in any criminal cause or investigation or at a coroner’s inquest, and the interpreter shall be paid such amount as the Crown Attorney certifies to be reasonable. R.S.O. 1990, c. A.6, s. 3 (2).

Payment for special services

**4** (1)  Where services are rendered by a person in connection with a prosecution and the services are rendered by the direction or with the approval of the Deputy Attorney General, the person rendering the services is entitled to be paid such sum as the Deputy Attorney General directs. R.S.O. 1990, c. A.6, s. 4 (1).

Remuneration of witness coming to Ontario

(2)  Where the Deputy Attorney General is of the opinion that it is necessary in order to procure the attendance as a witness for the Crown at a criminal trial of a person resident out of Ontario and that such person should be compensated for his or her loss of time and expenses in attending the trial, the Deputy Attorney General may direct that such sum as he or she considers reasonable be paid to such person. R.S.O. 1990, c. A.6, s. 4 (2).

Bringing accused to trial

(3)  Where the Deputy Attorney General is of the opinion that it is advisable to bring a person charged with an offence from a place out of or in Ontario to the place of trial in Ontario, he or she may direct that such be done. R.S.O. 1990, c. A.6, s. 4 (3).

Purpose

**4.1**The purpose of sections 4.2 to 4.10 is to provide a mechanism for fee waivers that is fair and proportionate, so that individuals who might otherwise be denied access to justice because of their financial circumstances can be excused from paying fees. 2020, c. 11, Sched. 1, s. 1.

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

[2020, c. 11, Sched. 1, s. 1](http://www.ontario.ca/laws/statute/S20011" \l "sched1s1) - 07/08/2020

Effect of certificate

**4.2**(1)  The person named in a certificate given under section 4.3, 4.4, 4.5 or 4.7 is excused from paying any fees that,

(a) would be payable on or after the date of the certificate; and

(b) relate to the court proceeding or tribunal order described in the certificate. 2004, c. 31, Sched. 1, s. 2; 2009, c. 33, Sched. 2, s. 2 (1).

Subject to revocation

(2)  Subsection (1) is subject to the revocation of the certificate under section 4.10. 2020, c. 11, Sched. 1, s. 2.

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

[2009, c. 33, Sched. 2, s. 2 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s2s1) - 15/12/2009

[2020, c. 11, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S20011" \l "sched1s2) - 07/08/2020

Fee waiver re court proceeding: clerk or registrar

Request

**4.3**(1)  A person may request a fee waiver under this section with respect to a court proceeding by giving a written request, in the form provided by the Ministry, to the clerk or registrar of the court in which the proceeding is or would be commenced. 2004, c. 31, Sched. 1, s. 2.

Timing

(2)  The request may be made at any stage in the proceeding. 2004, c. 31, Sched. 1, s. 2.

Same

(3)  Without limiting the generality of subsection (2), a person who has not previously obtained a fee waiver may request one after an order is made in the proceeding, in order to be excused from paying any fees relating to the enforcement of the order. 2004, c. 31, Sched. 1, s. 2.

Certificate

(4)  If the clerk or registrar determines that the person meets the prescribed conditions, he or she shall give the person a certificate indicating that all fees that are or would be payable by the person on or after the date of the certificate with respect to the proceeding, including any fees relating to the enforcement of an order in the proceeding, are waived. 2004, c. 31, Sched. 1, s. 2.

Decision final

(5)  The decision of the clerk or registrar is final. 2004, c. 31, Sched. 1, s. 2.

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

Fee waiver re court proceeding: judge, etc.

Request

**4.4**(1)  A person may request a fee waiver under this section with respect to a court proceeding by giving a written request, in the form provided by the Ministry, to a judge, deputy judge or associate judge of the court in which the proceeding is or would be commenced. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 6 (1); 2021, c. 4, Sched. 3, s. 18.

Timing

(2)  The request may be made at any stage in the proceeding. 2004, c. 31, Sched. 1, s. 2.

Same

(3)  Without limiting the generality of subsection (2), a person who has not previously obtained a fee waiver may request one after an order is made in the proceeding, in order to be excused from paying any fees relating to the enforcement of the order. 2004, c. 31, Sched. 1, s. 2.

Role of clerk or registrar

(4)  The clerk or registrar of the court shall consider the request before it is considered by the judge, deputy judge or associate judge, and if he or she determines that the person meets the prescribed conditions referred to in subsection 4.3 (4),

(a) the clerk or registrar shall deal with the request as if it had been made under section 4.3 rather than under this section; and

(b) subsections (5) to (9) do not apply. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 6 (2); 2021, c. 4, Sched. 3, s. 18.

Order re certificate

(5)  If the judge, deputy judge or associate judge is of the opinion that the person meets the conditions set out in subsection (7), he or she shall make an order directing the clerk or registrar to give the person a certificate indicating that all fees that are or would be payable by the person with respect to the proceeding on or after the date of the certificate, including any fees relating to the enforcement of an order in the proceeding, are waived. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 6 (1); 2021, c. 4, Sched. 3, s. 18.

Date of certificate

(6)  The date of the certificate shall be the date on which the order is made under subsection (5). 2004, c. 31, Sched. 1, s. 2.

Conditions

(7)  The conditions referred to in subsection (5) are:

1. The person cannot, without undue hardship, afford to pay fees relating to the proceeding or to the enforcement of an order made in the proceeding, as the case may be.

2. Commencing, defending, continuing or intervening in the proceeding, as the case may be, is not frivolous, vexatious or otherwise an abuse of the process of the court. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 3.

Exception

(8)  The condition set out in paragraph 2 of subsection (7) does not need to be satisfied in the case of a request described in subsection (3). 2004, c. 31, Sched. 1, s. 2.

Decision final

(9)  The decision of the judge, deputy judge or associate judge is final. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 6 (1); 2021, c. 4, Sched. 3, s. 18.

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

[2020, c. 11, Sched. 1, s. 3](http://www.ontario.ca/laws/statute/S20011" \l "sched1s3) - 07/08/2020; [2020, c. 11, Sched. 1, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched1s6s1) - 08/07/2020

[2021, c. 4, Sched. 3, s. 18](http://www.ontario.ca/laws/statute/S21004" \l "sched3s18) - 01/09/2021

Fee waiver re enforcement of court order or tribunal order: sheriff

Request

**4.5**(1)  A person who is entitled to have a court order or a tribunal order enforced by a sheriff on payment of a fee may request a fee waiver under this section by giving the sheriff a written request, in the form provided by the Ministry. 2009, c. 33, Sched. 2, s. 2 (2).

Certificate

(2)  If the sheriff determines that the person meets the prescribed conditions, he or she shall give the person a certificate indicating that all fees relating to the enforcement of the order that are or would be payable by the person on or after the date of the certificate are waived. 2009, c. 33, Sched. 2, s. 2 (2).

Decision final

(3)  The sheriff’s decision is final. 2009, c. 33, Sched. 2, s. 2 (2).

Bailiff

(4)  In the case of the enforcement of a court order, references in this section to a sheriff include a bailiff. 2009, c. 33, Sched. 2, s. 2 (2).

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

[2009, c. 33, Sched. 2, s. 2 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s2s2) - 15/12/2009

**4.6**Repealed: 2009, c. 33, Sched. 2, s. 2 (2).

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

[2009, c. 33, Sched. 2, s. 2 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s2s2) - 15/12/2009

Fee waiver re enforcement of tribunal order: judge, etc.

Request

**4.7**(1)  A person who is entitled to have a tribunal order enforced by a sheriff on payment of a fee may request a fee waiver under this section by giving a written request, in the form provided by the Ministry,

(a) to a judge or deputy judge of the Small Claims Court, if the order relates only to the payment of an amount within the monetary jurisdiction of that court; or

(b) to a judge or associate judge of the Superior Court of Justice, in any other case. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 6 (1); 2021, c. 4, Sched. 3, s. 18.

Role of clerk or registrar

(2)  The clerk or registrar of the court shall consider the request before it is considered by the judge, deputy judge or associate judge, and if the clerk or registrar determines that the person meets the prescribed conditions referred to in subsection 4.3 (4),

(a) he or she shall give the person a certificate indicating that all fees relating to the enforcement of the tribunal order that are or would be payable by the person on or after the date of the certificate are waived; and

(b) subsections (3) to (5) do not apply. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 6 (2); 2021, c. 4, Sched. 3, s. 18.

Order re certificate

(3)  If the judge, deputy judge or associate judge is of the opinion that the person cannot, without undue hardship, afford to pay fees relating to the enforcement of the tribunal order, he or she shall make an order directing the clerk or registrar to give the person a certificate indicating that all such fees that are or would be payable by the person on or after the date of the certificate are waived. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 4, 6 (1); 2021, c. 4, Sched. 3, s. 18.

Date of certificate

(4)  The date of the certificate shall be the date on which the order is made under subsection (3). 2004, c. 31, Sched. 1, s. 2.

Decision final

(5)  The decision of the judge, deputy judge or associate judge is final. 2004, c. 31, Sched. 1, s. 2; 2020, c. 11, Sched. 1, s. 6 (1); 2021, c. 4, Sched. 3, s. 18.

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

[2020, c. 11, Sched. 1, s. 4](http://www.ontario.ca/laws/statute/S20011" \l "sched1s4) - 07/08/2020; [2020, c. 11, Sched. 1, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched1s6s1) - 08/07/2020

[2021, c. 4, Sched. 3, s. 18](http://www.ontario.ca/laws/statute/S21004" \l "sched3s18) - 01/09/2021

Rules of court and *Statutory Powers Procedure Act* do not apply

**4.8**The rules of court and the Statutory Powers Procedure Act do not apply to requests under sections 4.3, 4.4, 4.5 and 4.7. 2004, c. 31, Sched. 1, s. 2; 2009, c. 33, Sched. 2, s. 2 (3).

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

[2009, c. 33, Sched. 2, s. 2 (3)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s2s3) - 15/12/2009

No fee for request

**4.9**No fee is payable for anything done in connection with a request under section 4.3, 4.4, 4.5 or 4.7. 2004, c. 31, Sched. 1, s. 2; 2009, c. 33, Sched. 2, s. 2 (4).

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 2](http://www.ontario.ca/laws/statute/S04031" \l "sched1s2) - 28/01/2005

[2009, c. 33, Sched. 2, s. 2 (4)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s2s4) - 15/12/2009

Revocation of fee waiver

**4.10**(1)  A certificate given to a person under section 4.3 or 4.4 respecting a court proceeding or enforcement in a proceeding may, despite anything to the contrary in those sections, be revoked by order of a judge, deputy judge or associate judge of the court in which the proceeding was commenced, if the judge, deputy judge or associate judge is of the opinion that the person’s actions in the proceeding or enforcement are frivolous, vexatious or otherwise an abuse of the process of the court. 2020, c. 11, Sched. 1, s. 5; 2021, c. 4, Sched. 3, s. 18.

Same

(2)  A certificate given to a person under section 4.5 or 4.7 respecting the enforcement of an order may, despite anything to the contrary in those sections, be revoked by order of a judge, deputy judge or associate judge of the court in which the order was made or filed, as the case may be, if the judge, deputy judge or associate judge is of the opinion that the person’s actions in the enforcement are frivolous, vexatious or otherwise an abuse of the process of the court. 2020, c. 11, Sched. 1, s. 5; 2021, c. 4, Sched. 3, s. 18.

Submissions

(3)  Before making an order under subsection (1) or (2), the judge, deputy judge or associate judge shall give the person an opportunity to make submissions. 2020, c. 11, Sched. 1, s. 5; 2021, c. 4, Sched. 3, s. 18.

Same

(4)  Submissions shall be made in the manner and form specified by the judge, deputy judge or associate judge. 2020, c. 11, Sched. 1, s. 5; 2021, c. 4, Sched. 3, s. 18.

Restriction on further fee waivers

(5)  In making an order under subsection (1) or (2), the judge, deputy judge or associate judge may make an order that the person may not, despite anything contrary in this Act, make any further requests for a fee waiver under this Act with respect to the same proceeding or any related proceeding or with respect to the same enforcement, without permission obtained in advance from a judge, deputy judge or associate judge, as applicable. 2020, c. 11, Sched. 1, s. 5; 2021, c. 4, Sched. 3, s. 18.

Decision final

(6)  The decision of the judge, deputy judge or associate judge is final. 2020, c. 11, Sched. 1, s. 5; 2021, c. 4, Sched. 3, s. 18.

Rules of court and Statutory Powers Procedure Act do not apply

(7)  The rules of court and the Statutory Powers Procedure Act do not apply to this section. 2020, c. 11, Sched. 1, s. 5.

No fee

(8)  No fee is payable for anything done in connection with this section. 2020, c. 11, Sched. 1, s. 5.

**Section Amendments with date in force (d/m/y)**

[2020, c. 11, Sched. 1, s. 5](http://www.ontario.ca/laws/statute/S20011" \l "sched1s5) - 07/08/2020

[2021, c. 4, Sched. 3, s. 18](http://www.ontario.ca/laws/statute/S21004" \l "sched3s18) - 01/09/2021

Regulations

**5** (1)  The Lieutenant Governor in Council may make regulations,

(a) requiring the payment of fees for any thing required or authorized under any Act to be done by any person in the administration of justice and prescribing the amounts of the fees or a method of determining them;

(b) providing for the payment of fees and allowances by Ontario in connection with services under any Act for the administration of justice and prescribing the amounts of the fees and allowances;

(c) requiring the payment of fees in respect of proceedings in any court and prescribing the amounts of the fees;

(d) exempting persons or classes of persons from paying a fee prescribed under clause (a) or (c);

(e) prescribing conditions for the purposes of subsections 4.3 (4) and 4.5 (2);

(f) exempting a fee from the application of sections 4.3 to 4.9;

(g) exempting persons or classes of persons from the application of sections 4.3 to 4.9;

(h) governing requests under sections 4.3, 4.4, 4.5 and 4.7. 2004, c. 31, Sched. 1, s. 3; 2009, c. 33, Sched. 2, s. 2 (5, 6); 2010, c. 1, Sched. 6, s. 8.

Different fees

(2)  A regulation made under clause (1) (a) or (c) may prescribe different fees for different persons or classes of persons. 2004, c. 31, Sched. 1, s. 3.

Maximum amounts

(3)  A regulation made under clause (1) (a) or (c) may establish a maximum amount for a fee rather than prescribing a specific amount. 2004, c. 31, Sched. 1, s. 3.

General or particular

(4)  A regulation made under subsection (1) may be general or particular in its application. 2004, c. 31, Sched. 1, s. 3.

**Section Amendments with date in force (d/m/y)**

[2004, c. 31, Sched. 1, s. 3](http://www.ontario.ca/laws/statute/S04031" \l "sched1s3) - 28/01/2005

[2009, c. 33, Sched. 2, s. 2 (5, 6)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s2s5) -15/12/2009

[2010, c. 1, Sched. 6, s. 8](http://www.ontario.ca/laws/statute/S10001" \l "sched6s8) - 22/11/2010

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